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EXTENSION OF WAIVER AUTHORITY FOR ALBANIA, AR-
MENIA, AZERBAIJAN, BELARUS, GEORGIA,
KAZAKHSTAN, KYRGYZSTAN, MOLDOVA, MONGOLIA,
TAJIKISTAN, TURKMENISTAN, UKRAINE, AND
UZBEKISTAN

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

NOTIFICATION OF HIS DETERMINATION THAT A CONTINUATION
OF A WAIVER CURRENTLY IN EFFECT FOR ALBANIA, ARMENIA,
AZERBAIJAN, BELARUS, GEORGIA, KAZAKHSTAN, KYRGYZSTAN,
MOLDOVA, MONGOLIA, TAJIKISTAN, TURKMENISTAN, UKRAINE,
AND UZBEKISTAN WILL SUBSTANTIALLY PROMOTE THE OBJEC-
TIVES OF SECTION 402 OF THE TRADE ACT OF 1974—RECEIVED
IN THE U.S. HOUSE OF REPRESENTATIVES JUNE 3, 1996, PURSU-
ANT TO 19 U.S.C. 2432 (c) AND (d)



JUNE 4, 1996.—Referred to the Committee on Ways and Means and
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THE WHITE HOUSE,
Washington, June 3, 1996.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974, as amended (the "Act"), with respect to a further 12-month extension of the authority to waive subsections (a) and (b) of section 402 of the Act. This document constitutes my recommendation to continue in effect this waiver authority for a further 12-month period, and includes my reasons for determining that continuation of the waiver authority and waivers currently in effect for Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan will substantially promote the objectives of section 402 of the Act. I have submitted a separate report with respect to the People's Republic of China.

Sincerely,

WILLIAM J. CLINTON.

REPORT TO CONGRESS CONCERNING EXTENSION OF WAIVER
AUTHORITY

Pursuant to subsection 402(d)(1) of the Trade Act of 1974, as amended ("the Act"), I hereby recommend further extension of the waiver authority granted by subsection 402(c) of the Act for 12 months. I have determined that such extension will substantially promote the objectives of section 402 of the Act, and that continuation of the waivers currently applicable to Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan will also substantially promote the objectives of section 402 of the Act. (Note: The Russian Federation no longer requires a waiver since it was found in 1994 to be in full compliance. This required a separate report to Congress and separate semiannual reports to Congress thereafter.) My determination is attached and is incorporated herein.

The waiver authority conferred by section 402 of the Act is an important means of strengthening mutually beneficial relations between the United States and the aforementioned countries. The waiver authority has permitted the United States to conclude and maintain in force bilateral commercial agreements with the majority of these countries. These agreements are fundamental elements in our political and economic relations with these nations. The reciprocal Most-Favored-Nation (MFN) trade treatment and other provisions of these agreements enhance the ability of U.S. companies to compete in the relevant markets. Waiver authority has also allowed U.S. Government credit and investment guarantees to support U.S. trade and investment activities in these countries. These considerations clearly warrant this renewal of the waiver authority.

I believe that continuing the current waivers applicable to the following countries will substantially promote the objectives of section 402 of the Act. Overall, emigration policies for almost all of the countries discussed in this report have improved over the past 5 years.

Albania: Regulations on emigration have been liberalized. Passports are available to all citizens, and the practice of limiting them to specific countries of destination was abandoned in 1991.

Armenia: The constitution provides for emigration, but places some restrictions on this right. Passports are denied to persons lacking invitations from the country that they wish to visit, those possessing state secrets, and those whose relatives have made financial claims against them. The Soviet-era Office of Visas and Registrations continues to impede travel and emigration through delays and the creation of various bureaucratic obstacles, including a requirement for "exit permission."

Azerbaijan: The Azerbaijani government officially recognizes freedom of emigration; a law passed in June 1994 guarantees that

right. This right may only be limited in cases involving military draft liability, criminal record or impending criminal suit, or previous access to state secrets. The new Azerbaijani constitution, adopted in 1995, provides for the right of all citizens to travel abroad. There were 1,956 Jewish emigrants to Israel in 1994, with no applications being denied. Emigration to Israel continued in 1995. Less than one-half of one percent of the population in Azerbaijan is comprised of Armenians or part-Armenians, and most of those are in mixed marriages. There is no government policy designed to prevent Armenians from leaving Azerbaijan, though there are reports of low-level officials seeking bribes from members of minorities wishing to emigrate.

Belarus: A law on entry and exit came into effect on January 1, 1994 abolishing the former Soviet requirement of mandatory official permission for each trip abroad by authorizing Belarusians to receive passports containing "global" exit visas good for from 1 to 5 years and valid for travel to all countries. In March 1994, the Belarusian parliament ratified a new constitution that specifically grants citizens the right to leave and return as they wish. Limited issuance of the new passports began in August 1993, and applicants generally receive the passports within 2 months of application. (Reports to the U.S. Embassy indicate that the widespread practice of petty bribery often accelerates or delays the processing period.) Soviet-era legislation restricting emigration by those with access to "state secrets" remains in force. However, citizens denied permission to emigrate have the right to reapply for emigration after 6 months, except for those who had access to state secrets, who are informed at the time of denial when they may reapply (usually in 2 years). Neither the Belarusian League for Human Rights nor the Belarusian National Jewish Council report excessive restrictions on the ability of citizens to emigrate. During 1995, no citizen was denied permission to emigrate.

Georgia: The government of Georgia maintains a policy of unrestricted emigration both legally and in practice. The legal basis for emigration is the Law on Emigration passed by the parliament in 1993. In 1995 no emigration requests were denied. The government of Georgia has been extremely accommodating towards Jewish emigration. Cases are processed expeditiously, usually within one month, and none have been refused in the past two years. During the changeover from Soviet to Georgian passports, which slowed the emigration process overall, the Georgian government made special arrangements for Jewish emigration to Israel. The U.S. Embassy in Tbilisi reports that Georgian emigration practices are consistent with Jackson-Vanik requirements.

Kazakhstan: The constitution of Kazakhstan provides for the right to emigrate. The right is respected in practice.

Kyrgyzstan: Kyrgyzstan does not have a law on emigration. Administrative procedures dating from the Soviet era require that citizens applying for passports must present a letter of invitation from the country to which they intend to immigrate. There are no reports, however, that citizens presenting such a letter were denied a passport or an exit visa. Kyrgyzstan had reportedly drafted an agreement with Russia to ease voluntary emigration for the members of the Russian-speaking minority, which provides for the es-

establishment of migration services in Kyrgyzstan and Russia in order to facilitate a more orderly transition for the migrants.

Moldova: Moldovans generally were able to travel freely in 1995; however, there are some restrictions on emigration. Close relatives with a claim to support from the applicant must give their concurrence. The government may also deny permission to emigrate if the applicant had access to state secrets. Such cases, however, are very rare; and none were reported in 1995.

Mongolia: The new constitution provides Mongolians the right to choose their residence, to travel and reside abroad, and to return to Mongolia. The right to travel abroad may, however, be limited by law in order to ensure national security and protect public order. At least some Mongolians are required to surrender their passports upon completion of foreign travel and must request their return for further use.

Tajikistan: The November 1994 constitution guarantees the right to emigrate; however, since no new legislation has been adopted on emigration since independence, the 1991 Soviet law remains in effect. In practice, the government has not raised any significant obstacles to emigration. Persons who wish to migrate within the former Soviet Union must simply alert the Ministry of Internal Affairs to their departure. Persons wishing to migrate beyond the borders of the former Soviet Union must receive the approval of the relevant country's embassy prior to the issuance of an international passport.

Over 90 percent of Tajikistan's 20,000-strong Jewish community are estimated to have emigrated since 1990, mostly to Israel. As a result of conflict, instability and a depressed economy, an estimated 150,000 ethnic Russians or Russian-speakers and 9,000 ethnic Germans left Tajikistan in 1992 and 1993.

Turkmenistan: Citizens of Turkmenistan are generally permitted to emigrate without undue restriction. The U.S. Government has urged Turkmenistan to respect free emigration rights and to issue the required external passports. Many Russians and other non-Turkmen residents have already left for other former Soviet republics, and many members of the small Jewish community have emigrated to Israel.

Ukraine: Ukrainian law guarantees all Ukrainian citizens the right to emigrate. In 1993, Ukraine dropped requirements for exit permission and made all citizens eligible for passports that permit free travel abroad. The government of Ukraine still requires emigrants to obtain an exit visa for emigration from local OVIR offices. While intending emigrants may evade this technicality by using a tourist passport good for international travel, without the exit visa to emigrate, they then may face difficulty if they attempt to return to Ukraine for a visit. Passports issued before independence in 1991 must be submitted for certification of citizenship status. The processing of passport applications takes less than two months. Cases involving applicants who had or have access to secret information usually take longer, but this has not been used routinely as grounds for denying permission to emigrate.

Ukraine does not impose taxes or fees on exercise of the right to emigrate. Tens of thousands of Ukrainian citizens emigrate annually. Through bureaucratic inertia and stubbornness, permission to

emigrate for former so-called refuseniks is sometimes denied at the local level, and reports of local bureaucrats assessing bribes for routine passport and exit visa issuance are rife. However, human rights groups report that persons need only appeal to national-level authorities to resolve their status and establish their right to emigrate. There is no standard procedure for this appeal inasmuch as there are no grounds for denial of the right to emigrate.

At least two individuals during the last year have been denied the right to emigrate because of possession of state secrets. Despite this, both individuals have been granted so-called "tourist" passports which allow them to travel abroad. The Department of State has appealed to Ukrainian government authorities to resolve this matter favorably. Also, some draft-age men have been refused the right to emigrate until their status is clarified. Ukrainian and international human rights groups, leaders of Jewish communities in Ukraine, and officials of third governments confirm that the freedom to emigrate has been established in Ukraine.

Uzbekistan: The constitution of Uzbekistan guarantees citizens free movement across the country's border. Potential emigrants who can find a host country willing to accept them are able to leave the country. Since independence, a significant number of Uzbekistanis, including Russians, Jews, Ukrainians and others have emigrated, although no exact figures are available.

I have concluded that continuing waivers under Section 402 of the Act in effect for all of the above-mentioned countries will help preserve the gains already achieved on freedom of emigration and encourage further progress.

Presidential Determination No. 96-30

THE WHITE HOUSE,
Washington, June 3, 1996.

Memorandum for the Secretary of State.

Subject: Determination Under Subsection 402(d)(1) of the Trade Act of 1974, as Amended—Continuation of Waiver Authority.

Pursuant to subsection 402(d)(1) of the Trade Act of 1974, as amended (the “Act”), I determine that the further extension of the waiver authority granted by subsection 402(c) of the Act will substantially promote the objectives of section 402 of the Act. I further determine that the continuation of the waivers applicable to Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan will substantially promote the objectives of section 402 of the Act.

You are authorized and directed to publish this determination in the *Federal Register*.

WILLIAM J. CLINTON.

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